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MEMO ENDORSED

March 5, 2020

VIA ECF

Hon. Edgardo Ramos
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square, Courtroom 619
New York, NY 10007

**Re: *Dominguez v. Marshalls of MA, Inc.*,
Civil Action No.: 1:19-cv-10626 (S.D.N.Y.)**

Dear Judge Ramos:

This Firm represents Defendant Marshalls of MA, Inc. ("Marshalls" or "Defendant") in the above-referenced matter. We have conferred with Plaintiff's counsel and write, with Plaintiff's concurrence, to jointly request a stay of this action until August 5, 2020.

By way of background, Defendant filed a pre-motion letter on February 11, 2020. (ECF No. 11.) Plaintiff filed his opposition to Defendant's pre-motion letter on February 14, 2020. (ECF No. 13.) On February 14, 2020, the Court scheduled a pre-motion conference for February 28, 2020. (ECF No. 15.) On February 27, 2020, the Court granted the parties' request to adjourn the pre-motion conference and set a briefing schedule for Defendant's forthcoming motion to dismiss. (ECF No. 18.) Plaintiff's deadline to file his amended complaint is March 11, 2020. (*Id.*)

The parties respectfully request that this action be stayed to allow for the resolution of motions to dismiss in similar matters arising out of gift cards that do not include Braille, which are currently pending before the Court and other judges in this District and the Eastern District of New York. The stay would allow the parties to have the benefit of the Court's analysis of the issues in other matters which will inform their assessment of the pending case. It will also conserve resources of both the parties and the Court. Similar stays were recently granted on the same grounds by Judge Abrams in *Delacruz v. Five Below, Inc.*, Case No. 1:19-cv-10294-RA (S.D.N.Y.) (ECF No. 16) and *Matzura v. New Balance Athletics, Inc.*, Case No. 1:19-cv-11344-RA (S.D.N.Y.) (ECF No. 18), by Judge Caproni in *Calcano v. Drybar Holdings LLC*, Case No. 1:19-cv-11389-VEC (S.D.N.Y.) (ECF No. 10), by Judge Woods in *Calcano v. Domino's Pizza, Inc.*, Case No. 1:19-cv-09823-GHW (S.D.N.Y.) (ECF No. 24) and *Delacruz v. Jamba*

Juice, Case No. 1:19-cv-10321-GHW (S.D.N.Y.) (ECF No. 20), by Judge Failla in *Calcano v. Guess, Inc.*, Case No. 1:19-cv-10441-KPF (S.D.N.Y.) (ECF No. 18) and by Judge Daniels in *Delacruz v. Converse Inc.*, Case No. 1:19-cv-10293-GBD (S.D.N.Y.) (ECF No. 20.) The orders are enclosed for the Court's convenience.

We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

cc: All counsel of record (via ECF)

Application granted. This action is STAYED pending the resolution of the motion to dismiss in *Calcano v. The Finish Line, Inc.*, No. 19 Civ. 10064. Marshalls shall respond to the Complaint within 14 days of the Court's decision on the motion to dismiss in *Calcano*.



Edgardo Ramos, U.S.D.J
Dated: Mar. 5, 2020
New York, New York